MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Sir, I beg to move that the Bill be taken up at a subsequent meeting and passed.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*) : I second it.

The motion was carried.

THE TRAVANCORE CRIMINAL LAW AMENDMENT BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Sir, I rise to introduce the Travancore Criminal Law Amendment Bill. It has been published in the Gazette with a statement of objects and reasons. I now beg to move that the Bill be read in Council.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*) : I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Sir, the provisions of the Bill are simple and I do not think that it is necessary for me to detain the House very long at an attempt to explain the principles involved therein. Briefly put, and in general terms, the provisions of the Bill are designed to suppress the traffic in women and girls and to prevent and punish the keeping of brothels and the aiding of the business of prostitution.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*) : Is the member aware of brothels anywhere in Travancore ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I am not.

MR. A. THANU PILLAI (*Trivandrum*) : Is there trafficing in women?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : In regard to that some information has been received that women are exported from Travancore for immoral purposes. Upon that point, I am very glad that Mrs. Anna Chandi is a member of the House to-day because when I was preparing this Bill and considering its principles I found an article in '*Srimati*'.

MRS. ANNA CHANDI (*Nominated*) : Does the article say that women are exported from Travancore ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Yes, that is what the article said.

MRS. ANNA CHANDI (*Nominated*) : What does the Law Member mean ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I said so on the assumption that Mrs. Anna Chandi was the editor of the paper called "*Srimati*". In 1104, I chanced to read the editorial article which gives much more information than officers of Government have been able to give. In that article it is stated that about 700 women have been taken away from Travancore.

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MR. A. THANU PILLAI (*Trivandrum*): Is there not an export duty levied?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): They were taken away to Tinnevelly and Madura for immoral purposes. The article was making an appeal to Government and said that it is high time that the Travancore Government passed legislation on this matter as in other places. I do not want to read the whole of that article. The particular portion is this :—

"തിരുനൽവേലി മധുര എന്നീ രണ്ടു പട്ടണങ്ങളിലായി, ഏഴു നൂറിൽപരം കേരളീയ സ്ത്രീകൾ വ്യഭിചാരവൃത്തിയിൽ ഏർപ്പെട്ടു കാലം കഴിക്കുന്നുണ്ടെന്നും ആ പട്ടണങ്ങളിൽ പോലീസ് വൈദ്യവൃത്തി എടുത്തു പേരു നേടിയ തിരുവിതാംകൂർകാരിയായ ഒരു സ്ത്രീ ഡാക്ടരിൽ നിന്നു അറിയാനിടവന്നിട്ടുണ്ട്. അതിൽ നിന്നു നാശകരമായ ഈ തൊഴിൽ എത്രമാത്രം വളർന്നിരിക്കുന്നു എന്നു മനസ്സിലാക്കാം."

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): Are they all Travancore ladies?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): 'Keraliyer'.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): Then that includes Malabar, Travancore and Cochin?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): In that case can you tell us how many were exported from Travancore—I borrow the language of my friend?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I am not able to say that.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): Is it an imaginary evil against which you want to guard?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Then again in regard to the taking of women for prostitution this is what the paper says :

"ഇൻഡ്യയുടെ വെളിയിൽ വ്യഭിചാരവൃത്തിക്കായി നമ്മുടെ നാട്ടുകളിൽ നിന്നു സ്ത്രീകളെ "ഇറക്കുമതി" ചെയ്യുന്നില്ലെങ്കിലും, തമിഴ് നാടുകളായ, മധുര, തിരുനൽവേലി, തഞ്ചാവൂർ മുതലായ സ്ഥലങ്ങളിൽ കേരളീയരായ അനവധി സ്ത്രീകൾ ഈ പാപകർമ്മത്തിൽ ഏർപ്പെട്ടു നിത്യവൃത്തി കഴിക്കുന്നുണ്ടെന്നുള്ളതു പരസ്യമായ ഒരു രഹസ്യമാണ്. കേരളീയ സ്ത്രീകളുടെ പാതിവ്രത്യഭംഗം ചെയ്യുന്നതിനുള്ള ചിലരുടെ ആസ

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കുതിമൂലം ഈ ദുർവൃത്തികൊണ്ടുള്ള ധനസമ്പാദനം തമിഴ്നാട്ടുകളിൽ എളുപ്പമാണെങ്കിലും. ശുചിത്വം, ലാവണ്യം മുതലായവകളിൽ ഇതര നാട്ടു സ്ത്രീകളെക്കാൾ മെച്ചമേറിയ ഒരു സ്ഥാനത്തെ അർഹിക്കുന്ന കേരളവനിതകൾ ഉദരപൂരണത്തിനായിട്ടുമാത്രം, ഈ കാളമേഘവർണ്ണരായ "കുപ്പൽ" കച്ചവടക്കാരുടെ വൈപ്പാട്ടിസ്ഥാനവും, തൽക്കാല ഭാഗ്യാപദവിയും സ്വീകരിച്ചു, മൃഗീയമായ ഒരുജീവിതം കഴിക്കുന്നതു കണ്ടാൽ, ഹൃദയമുള്ള സമുദായ നേതാക്കന്മാരും, ഗുരുവരന്മാരും എങ്ങിനെസഹിക്കും."

The Commissioner of Police has also reported that there have been instances of women migrating from Travancore for immoral and unlawful purposes and settling down outside Travancore for the purpose of prostitution. There is another imperative reason why we should have legislation on this point Although this immoral traffic in women and girls is not very prevalent in this country it is prevalent in other countries. It was so prevalent that it became a subject matter of International Conferences and in 1920 and 1922 certain International agreements were come to.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*) : That was in connection with White Slave Traffic.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Certain agreements were come to by which legislation was undertaken by the parties thereto. India was a party to the 1922 Conference and Legislation has been undertaken in British India on this point. It will be conceded that Travancore being a part of the British Empire must move in line with the rest of the Empire at least to help the other parts of the Empire in suppressing this traffic. If there is no law in Travancore, it will become an asylum for such purposes and there would be no law for suppressing it. While legislation was undertaken on this point I took the occasion as a fitting one for making provision in regard to brothels also and I have made certain provisions on the lines of the Madras Act.

That is why you find certain provisions to punish the keeping of brothels and also the aiding of the business of prostitution. Clauses 2 and 3 of the Bill add certain provisions to Section 366 of the Penal Code and make the compulsion of adults to prostitution an offence and also the procuring of minor girls, and the importation of minor girls for immoral purposes, an offence. Clause 4 only raises the age of minority. Clause 7 incorporates certain provisions of the Madras Suppression of Brothels Act. That clause is intended to prevent the keeping of brothels and to prevent the aiding of the business of prostitution. These are the substantial provisions of the Bill. The details may be considered in the Select Committee and any alterations necessary may be made there.

MR. K. P. KOCHUKORA TARAKAN (*Kunnatnad*): ആഭാസവൃത്തിയിൽ ജീവിക്കുന്നതായ സ്ത്രീകളെ ഒരു നിലയം കൊണ്ടു തടഞ്ഞു ഇവിടെ ത

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[Mr. K. P. Kochukora Tarakan.]

ന്നെ വച്ചുകൊണ്ടിരിക്കണമെന്നാണോ പറയുന്നത്?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): അങ്ങിനെയല്ല. വ്യഭിചാരവൃത്തിയ്ക്കായിട്ട് വെളിയിലേക്കു തട്ടിക്കൊണ്ടു പൊയ്ക്കൂടാ എന്നാണ്.

MR. K. P. KOCHUKORA TARAKAN (*Kunnatnad*): അങ്ങിനെ പോകുന്നവരെ അതിനനുവദിക്കയല്ലേകൊക്കൂടി നല്ലത്?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): ചെറുപ്പമായിരിക്കുന്ന സ്ത്രീകളെ നിർബന്ധമായി പിടിച്ചു കൊണ്ടു പോകയോ, അല്ലെങ്കിൽ അവരെ കബളിപ്പിച്ചു കൊണ്ടുപോകയോ ചെയ്യുന്നതു തടയണമെന്നാണ് പറയുന്നതു. സ്വമേധയായിട്ടു പോകുന്ന സംഗതിയെപ്പറ്റി ഇവിടെ ഒന്നും പറയുന്നില്ല.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): May I know from the member whether the Government propose to provide asylums for these unfortunate beings who have to resort to prostitution as a means of earning their livelihood?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): There are no such proposals.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): So, the present measure is intended simply to make a present of these unfortunate girls to the police officers to handle them as they like?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That is not it. It only prevents the compulsion of adult women for prostitution and also the inducement of minor girls for immoral purposes. The Bill is not intended to restrict the free will of adults. They are at full liberty to do what they like in the matter.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): Sir, I beg to oppose the Bill. During the course of my friend's argument I asked him whether he was aware of any brothel being maintained in any part of Travancore. He was fair enough to answer "No." Then, where is the necessity for the introduction of this Bill by way of a preventive measure? Apparently, the object of my friend Mr. Kayalam Paramesvaran Pillai in launching this measure is merely to prevent the commission of the offences dealt with in the Bill.

Sir, a piece of legislation on the Statute Book is oftentimes an index of the culture and the morality of the people. Suppose we place this on the Statute Book of Travancore. What would that indicate? It would seem that the evils sought to be put down by this measure have assumed tremendous proportions that, in the larger interests of public morality, they have to be put down by means of a Criminal Law Amendment Regulation. If, after all, there are no brothels in Travancore, where is the necessity for taking any action in the matter?

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PRESIDENT: There are two portions of the Bill.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): I know it also deals with the traffic in minor girls. I am now dealing with the provisions in it relating to brothels.

I wish to draw the attention of the House to Clause IX of this Bill.

IX. In the Second Schedule to the Code of Criminal Procedure, after the entry relating to Section 366 of the Travancore Penal Code, the following entries shall be inserted, namely :—

366A	Procuration of minor girl	May arrest without warrant	Warrant	Not bailable	Not compoundable	Imprisonment of either description for ten years and fine	Court of Sessions.
366B	Importation of girl from a foreign country.	Do.	Do.	Do.	Do.	Do.	Do.

And, Clause X says :

X. In the Second Schedule to the Code of Criminal Procedure after the entry relating to Section 374 of the Travancore Penal Code, the following entries shall be inserted, namely :—

Of keeping Brothels and Aiding Prostitution.

374A	Keeping a brothel	May arrest without warrant.
374B	Allowing premises to be used as brothel	Do.
374C	Detention for prostitution in brothel	Do.
374D	Procuration	Do.
374E	Taking or inducing women to carry on business of prostitution.	Do.

In the case of all the offences dealt with in this Clause, it is open to the Police to take the initiative without any reference to any Magistrate and arrest a party who is suspected of violating the provisions of this new piece of legislation. Now, Sir, when there is no necessity when there is no evil in the country to be got rid of, why should we give the general public another opportunity of hurling abuses on the devoted Heads of the Police who, after all, may be doing their duty. Why should we anticipate an imaginary evil and provide for it?

As regards the traffic in women, my friend said that the Bill does not deal with adult women, but deals only with minor girls who are not capable of forming their own judgments, who are sought to be influenced by schemers for the purpose of making money for themselves by compelling these minor girls to lead a life of prostitution. I put the question to him, during the course of his speech, 'Has there been any evidence of immoral traffic carried on in Travancore, exportation or importation of women for questionable purposes. Except his reference to an article, which appeared in the '*Srimati*', for which one of our colleagues was responsible, there was absolutely no evidence placed before the House about the existence of the evil now sought to be got rid of by the proposed Bill.

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): There is also the report of the Police Commissioner which says that there have been instances of such traffic in women.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): The report of the Commissioner of Police, I presume, has been submitted by him in reply to a reference made to him by Government. I am aware of the assurance given at the Geneva Conference that all nations would enact legislation for the suppression of traffic in women. In the case of the undertaking given by the different nations at the Geneva Conference for putting down white-slave traffic, it was in evidence that a good number of girls *were* being taken from European countries to America, Japan, China, Turkey, Egypt and other countries for immoral purposes, which, in the interests of national dignity and national morality, it was considered extremely desirable to put down. But, has the Government of India passed any law in the matter?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes; they have passed the law.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): The Government of India, true to the undertaking that it gave at the Geneva Convention as an original member of the League, has introduced legislation prohibiting traffic in women. The League of Nations, and the Government of India also, were satisfied as to the existence of the evil. Because the Government of India did it, it does not mean that it is a mandate to all the Indian States to assume the existence of similar evils within their own territorial limits and to introduce preventive legislation. In advanced countries, the Government and the Public have establised rescue homes for these unfortunate beings who have to depend upon prostitution for their means of livelihood; and so I can understand the demand now made by my friend for enacting this piece of legislation, if, similarly, we have also made provision for rescue homes here. But, there is absolutely no attempt for the establishment of rescue homes anywhere in this State, before providing a centre where these young girls would be housed and given healthy surroundings. When rescue homes have been established in the country to take care of these young girls, to give them healthy surroundings, to give them education and to teach them some vocation which would help them to earn an honest living, when we have accomplished that, then it would be time for the Government to approach the Council and say "we have done all that is humanly possible from the standpoint of the humanitarian; still our attempts at getting rid of the evil have not been successful; therefore arm us with the necessary powers to get rid of this serious evil." My friend admits that, at present, there is no arrangement to take care of these unfortunate beings who are forced to resort to prostitution. And, it is not open to this House to enforce any expenditure being incurred in the establishment of such rescue homes, according to the limitations laid down by the Legislative Council Regulation itself. If

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my friend's idea is to make certain changes in the existing penal law in the country, it would have been enough if he had suggested just some amendments being made in the Penal Code.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : That is exactly what has been done.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*) : Where does the Bill deal with the Penal Code? Will my friend kindly tell me?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : The whole of it.

RAO BAHAUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*) : "The following shall be added to Section 366 of the Travancore Penal Code :... .....", that deals with the carrying away of girls from Travancore and the importing of girls from outside into Travancore; and it is with reference to that part of the Bill that I say that there has been no evidence of the existence of the evil in Travancore. The mover referred to the report of the Commissioner of Police. In regard to that, is my friend prepared to assure the House that the Commissioner of Police, as a result of his investigations, has come to the definite conclusion that there is this evil in a widely prevalent form in Travancore, which ought to be suppressed immediately by means of a Statute? Is my friend prepared to give that assurance? Or is it simply to bring our Statute Book on a line with that in British India that the attempt is now being made to enact this piece of legislation, and, on a reference to the Police Commissioner, he simply reports that there have been such instances here also? Sir, I am afraid, no case has been made out for placing such a piece of legislation in the Statute Book in Travancore.

MR. K. P. KOCHUKORA TARAKAN (*Kunnatnad*) : ഞാൻ മി. കുഞ്ഞുക്കാരുടെ അഭിപ്രായത്തോടു യോജിക്കുന്നു: തിരുവിതാംകൂറിനു പുറത്തുനിന്നും കൊള്ളരുതാത്ത സ്ത്രീകളെ ഇവിടെ ഇറക്കുമതിചെയ്യുന്നതിനെ തടയുകയല്ലാതെ ഇവിടെനിന്നു പുറത്തുപോകുന്നവരെ തടയുവാൻ പാടില്ലെന്നാണ് എന്റെ അഭിപ്രായം നീചത്വത്തിൽ ഒരാൾ ഇറങ്ങുണ്ടെങ്കിൽ പ്രായപൂർത്തി വരാതെ തരമില്ല അങ്ങിനെ പ്രായപൂർത്തി വന്നവരെ തടയുന്നപക്ഷം ഇവിടെ അക്രമവും അഴിമതിയും കൂടുതൽ നടക്കുന്നതാണ്.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : Sir, we would like to have some details of the investigations conducted by the Police Commissioner and the results of such investigation, so that we may convince ourselves of the necessity for this measure.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : He has simply stated in his report that some instances have come to his notice.

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MR. S. KRISHNA PILLAI (*Karunagapalli*): Sir, there are two parts of the Bill now before the House, or rather, the whole Bill can be dividedi nto two portions, the first, from Clauses I to VI and the second, the rest of the Bill. Clauses I to VI find a place in the Indian Penal Code and are intended only to bring our Penal Code in line with the Indian Penal Code.

In regard to the first portion of the Bill, what is sought to be done is, firstly, to bring our Penal Code into conformity with that in force in British India. Secondly, provision is sought to be made for some of the graver forms of inducement to prostitution. Beyond that, there does not seem to be anything in the first part of the Bill.

So far as the rest of the Bill is concerned, I quite agree with the learned Deputy President, Mr. Krishna Aiyangar.

As regards the first portion of the Bill, I am unable to say that there is anything wrong in it; and my own impression is that those provisions ought to find a place in the Penal Law of Travancore. Prostitution, by itself, does not appear to have been prohibited in this Bill. Only the attempt to prevent *inducement* to prostitution seems to have been made. Those who enjoy the society of prostitutes are also not punished by this Bill. Therefore, neither the prostitute nor the man who enjoys her is sought to be penalised by the provisions in Clauses I to VI of this Bill. It is only those who induce prostitution that are sought to be punished. So far as Clause II is concerned, it deals with the graver forms of the offences under Section 366 of the Penal Code, which deals with another form of the same offence. Therefore, so far as the first portion of the Bill is concerned, it does not materially alter the present law on the matter.

PRESIDENT: You think that it supplies the omissions in Section 366 of the Penal Code?

MR. S. KRISHNA PILLAI (*Karunagapalli*): Yes. It also provides against the graver forms of the offence now provided for in Section 366 of the Penal Code, for instance, the abuse of authority in the case of officers who may happen to be in possession of the girls, or the guardians or those who have temporary authority over these girls. And then, it deals with criminal intimidation, abuse of authority or any other method of compulsion. That Clause, I submit, is one that has long been in existence, and it is only certain criminal methods of inducement that are sought to be provided against now. Section 366 (a) generally deals with the inducement to prostitution, where a girl under eighteen years of age is sought to be forced or seduced to illicit intercourse with any person. Even there, it is only the *inducement* that is sought to be penalised.

As regards the provision against the moving of a girl from one place to another, the learned Deputy President seems to be under the impression that the provision deals only with exportation of girls to places outside Travancore. My own submission is that it does not relate to that alone. To go from one place to another may include

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going from one house to another, one pakuthi to another or even from one room to another. It does not necessarily mean going outside Travancore.

Then, the provision '*to do any act*', need not necessarily mean the inducement to go from one place to another. It includes aiding the prostitute. The girl may be induced to do some act which will enable some other person to get at her. It may be in her own house; it may be in another house. All these things are, it seems to me, contemplated by the Clause. In my own opinion, therefore, these provisions are very necessary even though there is no evidence of such offences being committed frequently in Travancore and even though the report of the Police Commissioner does not furnish adequate evidence on the matter as a result of his elaborate investigation. These provisions intend to punish only the intermediaries who procure girls and aid prostitution, on behelf of their friends or relations or other moneyed people who are prepared to pay for it. "To do an act", as I explained, may even include the suggestion to the girl to leave the door of her bed roo n open so that some other man may enter it for the purpose of illicit intercourse or she may conveniently get out of the room to go to some other place for the purpose of prostitution. The provision need not necessarily be confined to the prevention of migration of girls from Travancore into British India. These provisions will certainly inconvenience some people now living in Travancore itself; and we need not care for the convenience of these people. The State is bound to protect girls who are not able to protect themselves and who are led astray by mischievous people. The provision does not seek to punish those who can rely on their own resources for the purpose of obtaining the consent, of girls whom they meet, for sexual intercourse even if it is illicit. It is only the intermediary, if any, that is sought to be penalised by this provision. For example, if a man meets a girl and is resourceful and courageous enough and has the nerve and opportunity to approach her and to manage to enjoy her society, this provision does not punish him or the girl concerned. The net result of this provision will therefore be only to punish the intermediary, the inducer, if any. It is only if a person induces a girl and arranges her enjoyment with a third person, that this provision would apply. It only deals with men whom we find now-a-days wandering about and making a living by inducing girls to sacrifice their virtue on men who can afford to spend some money for this purpose.

Section 366 (B) is necessitated by the recent amendment of the corresponding Section in the Indian Penal Code. As one of the signatories at the Geneva Conference, the Government of India have amended that Section in the Indian Penal Code; and we are bound, legally, or at least out of etiquette, or for the purpose of supplementing the attempt of the British Indian Legislature, to introduce the provision in our Penal Code also. It deals only with the importation of women from outside British India, and not from British India into Travancore. If, as they have now provided, the importation into

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British India is penalised in British India and is not penalised here, the effect would be the importation of women from outside India into this State for this immoral purpose. Travancore would become the asylum for such women. The persons engaged in this immoral business will very easily find out that such importation is not penalised or restricted in Travancore, and will bring Japanese, French or Armenian girls and keep them in Travancore for prostitution. It is to avoid such a contingency, which is quite likely in the light of the recent amendment of the Indian Penal Code in accordance with the assurance given at the International Geneva Conference, that Section 366 (B) is sought to be enacted.

As regards Clauses IV and V, I have not myself been satisfied with the necessity for the provisions. They no doubt, bring our Penal Code on a line with the Indian Penal Code. But, so far as some of the expressions in the provision are concerned, they are wider in scope and seem to me to be unnecessary.

PRESIDENT: Clause IV raises the age of minority from 16 to 18.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Not only that. It runs thus:

IV. In Sections 372 and 373 of the Travancore Penal Code, for the words "minor under the age of sixteen years with intent that such minor shall be employed or used for the purpose of prostitution or for any unlawful and immoral purpose, or knowing it to be likely that such minor will be" the words "person under the age of eighteen years with intent that such person shall at any age be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, or knowing it to be likely that such person will at any age be" shall be substituted.

The Section in the Penal Code, as it now stands, prohibits minor girls, under 16, being used for that purpose; and it would be an offence only as long as the girl is in her minority. Now, by the proposed amendment in the Bill now before us, the act is an offence if the girl is under eighteen years of age, and, though the act happens to be committed only after the girl attains eighteen, it is an offence provided she had been first got up for the immoral purpose before she attained eighteen years of age.

PRESIDENT: Yes; if a girl under eighteen is trained for the profession of prostitution to be followed after eighteen, that also would be an offence under the amended provision in the Bill.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Yes; the scope of the provision has been enlarged. What I submit is that there are certain Explanations attached to it which do not find a place in the Indian Penal Code.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): What are the Explanations that my friend is referring to?

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MR. S. KRISHNA PILLAI (*Karunagapalli*): All the Explanations which define terms like 'prostitution'. For instance Explanation IV says:

"'*Prostitution*' means promiscuous sexual intercourse for hire."

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): May I remind my friend that that is the definition given by Ellis, the authority on the subject?

MR. S. KRISHNA PILLAI (*Karunagapalli*): I hope the member refers to Havelock Ellis; what my friend says may be correct. But we are dealing now not with experts in prostitution but with the definition of the term that should find a place in our Statute Book. This is an extraordinary measure and I agree with the Deputy President when he says that we have not reached that stage to require an Act for the supression of brothels. The word 'prostitution' occurs in the British Indian Penal Code and the Travancore Penal Code. But no definition of the word has been attempted in either of these Codes. The definition given by the present Bill is:- "promiscuous sexual intercourse for hire." But something more than that is contemplated by the other Section in the Penal Code itself and that I submit is the reason why no such attempt was made in the 1922 amendment. But it was subsequently introduced in the Madras Brothels Act. Although the framers of the Code did not want to have any such definition in the Code itself, the expression 'prostitution' has a particular meaning as it is understood generally.

It will be found, Sir, that even though legislation on direct lines is sought to be put before this House by this amendment, there was an earlier attempt on a minor scale when the Police Regulation was passed. There are three Sections in the Police Regulation which attempt to deal with offences of this character. Keeping of brothels within certain limits is also sought to be penalised there. Prostitution itself to some extent, I believe, has been penalised in the Police Regulation. Solicitation in certain circumstances is penalised. These are the three acts which are penalised by the Police Regulation. These Sections, I think are quite sufficient under the existing condition of society for Travancore. Another fact is that this Bill does not appear to repeal any of the Sections of the Police Regulation. There also the word 'brothel' occurs. But no definition has been given. The District Magistrate is given the power to enjoin the owner of any premises where brothel is being carried on, to remove or to stop it and on a non-compliance with that request the owner is punished. My submission is that that Regulation would be sufficient to keep down brothels. As far as we have been able to see there was only one attempt made by the Quilon police for the enforcement of that Section. I have not been able to come across any other instance in which an attempt was made by the police even after the passing of the Police Regulation to prevent brothels being carried on in Travancore. Even in the Quilon case, I understand the accused has been discharged. I am subject to correction.

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MR. A. THANU PILLAI (*Trivandrum*): May I know where that alleged brothel was?

MR. S. KRISHNA PILLAI (*Karunagapalli*): I am unable to give the exact position or the place where it was carried on. I said in my speech that it was in Quilon and the police were able to charge the case before the Quilon District Magistrate. That case ended in an acquittal. I believe I am right. I am open to correction by the Commissioner of Police.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Was that offence comitted inside the town limits?

MR. S. KRISHNA PILLAI (*Karunagapalli*): I believe it was within the town limits, somewhere about the railwaylines at Pullikadavu. It so happened that a lot of indecent females and all classes of dirty looking women were all hauled before the District Magistrate and they defended themselves and they were eventually acquitted. I believe that was the only case which was taken up under the provisions of the Police Regulation. There is no public opinion prevailing in any part of Travancore that brothels exist to any appreciable extent or that the profession of prostitution is being carried on in Travancore to any appreciable extent. What I am saying is that the provisions of the Police Regulation are quite sufficient so far as our society is concerned and I would certainly object to any further legislation on that subject. Therefore I do object to the principle or whatever it may be on which Sections 374 (A) (B) etc. are sought to be introduced.

There is also another point to be noted. Section 374 of the Travancore Penal Code has got the following heading. 374 (A) must form part of, or must be akin to the offences mentioned in 374, for everywhere in every part of the Penal Code we find that whenever a supplementary or a new Section is added it is added to some Section or comes under some Section which deals with the offences or is akin to the offences mentioned. But, Sir, you will find in this case that the offences are entirely distinct. Section 374 has nothing to do with brothels and prostitution in the State. Therefore I submit it is a voilent interpolation which does not quite agree with the main arrangement of the Penal Code.

MR. A. THANU PILLAI (*Trivandrum*): Otherwise will not the principle be vionlently affected?

MR. S. KRISHNA PILLAI (*Karunagapalli*): There must be some place somewhere in the Penal Code where this must fit in. We do not find any place.

PRESIDENT: Suppose it was brought in after 375?

MR. S. KRISHNA PILLAI (*Karunagapalli*): It may fit in. But all I have to say is that it does not fit in after 374. The Imperial Legislature did not want to introduce such an innovation. It was only a Provincial innovation, for Madras has its own Act, Bombay has its own Act, and Calcutta has its own Act. It is not an Imperial Legislation. Whatever we want has been regulated upon by the Police Regulation

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and we do not want anything beyond that, therefore the principle that is relied on does not apply to these Sections. As regards the other parts I agree with the reasons explained by the member and I think there is no objection in allowing them to remain.

PRESIDENT: Clauses five and six of the Bill which contain those definitions that you object to also contain certain rules of evidence with regard to *presumptions*.

MR. S. KRISHNA PILLAI (*Karunagapalli*): One of those rules finds a place in the Penal Code and it is as follows:—

> "When a female under the age of 18 years is sold, let for hire, or otherwise disposed of to a prostitute or to any person who keeps or manages a brothel the person so disposing of such female shall, until the contrary is proved, be presumed to have disposed of her with the intent that she shall be used for the purpose of prostitution."

That is a rule of evidence accepted by the British Indian Penal Code.

PRESIDENT: Also VI.

MR. S. KRISHNA PILLAI (*Karunagapalli*):

> "Any prostitute, or any person keeping or managing a brothel, who buys, hires or otherwise obtains possession of a female under the age of eighteen years shall, until the contrary is proved, be presumed to have obtained possession of such female with the intent that she shall be used for the purpose of prostitution."

So that explanation 1 to Section V, and explanation to VI are mere rules of evidence and they may be necessary to effectively bring to book these offenders as otherwise there are various methods of evasion by which they could explain away their conduct. My submission is that the definitions of the word 'prostitution' and 'brothels' are out of place. Therefore I support the first half of the Bill and if it is possible the Law Member may be advised to withdraw the other portion and then re-publish the Bill. If I am not permitted to support a portion of the Bill and oppose the remaining portion, I submit I may be permitted to agree with my friend Mr. Krishna Aiyangar in opposing the Bill *in toto*.

PRESIDENT: Can that be done?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): When the House accepts the Bill they may perhaps say we accept the principle to this extent.

MR. S. KRISHNA PILLAI (*Karunagapalli*): One word more I have to add. The Learned Deputy President said that all these offences are cognisable offences and that the person suspected might be arrested without a warrant. The offender as I said, is neither the girl nor the person for whose sake she is taken but the person who takes her male or female.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): May I ask the member whether he will start with the presumption of the party having committed the offence?

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MR. S. KRISHNA PILLAI (*Karunagapalli*) : I suppose our Penal Code stands on the same footing as any other law and the presumption is that every man is innocent. Although no person can be presumed to have stolen any man's articles the police are entitled to arrest any person on the ground that they suspect him to have stolen the article and that he has committed a cognisable offence. The poor girls on whose behalf so much enthusiasm has been shown are to be protected. They are certainly not to be interfered with by the police people. What I submit is that the police may be allowed to attend to these matters without the help of the Section and without making it a cognisable offence. I submit therefore that the first part of the Bill may be introduced and the Law Member may be advised to omit the second part and republish the altered Bill.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*) : Would it not be more satisfactory to withdraw the whole Bill and then introduce an amended Bill on the lines suggested by my friends and see whether it commends itself to this House?

MR. S. KRISHNA PILLAI (*Karunagapalli*) : I suggested these things because I am ignorant of the procedure adopted by the Law Member in introducing Bills and withdrawing them. I submit that any one of these methods can be adopted. If a part cannot be admitted the whole thing will have to be objected to.

MR. A. THANU PILLAI (*Trivandrum*) : Sir, as the learned Deputy President said in his speech, it is not clear that at any rate there is trafficking in women or keeping of brothels to any appreciable extent so far as Travancore is concerned, and from the speeches that have been already made it does not appear that there is any brothel at all in the State. It may be that there are some houses here and there that are used for the purpose but it cannot be said that there is anything like a regular institution of the kind either in the towns or outside. Of course if there is anything like that to any extent it must be mainly in the cities. But I do not think there is anything worth mentioning in the nature of a brothel as defined in this Bill in the town of Trivandrum. It is defined there as "house, room or place which the occupyer or person in charge thereof habitually allows to be used by any other person for the porpose of prostitution." As was suggested by Mr. S. Krishna Pillai, the Police Commissioner may be in a position or the Law Member instructed by the Police Commissioner will be in a position to inform the House as to the extent to which such brothel exists in Travancore.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I did not say that. The Commissioner reported only about the women migrating outside.

MR. A. THANU PILLAI (*Trivandrum*) : As far as the existence of these brothels are concerned it is a matter of extreme doubt whether there is any necessity for such a legislation. Of course it may be argued that there is no danger in having a piece of legislation like this so that it may be used whenever a contingency arises. But in the matter of legislation we must be careful not to pass laws that may be used as

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means of harassing innocent people. Here is a proposal which if passed into law may be used as a means of harassing innocent people while we do not find any real necessity for it. As for trafficking in women I have heard, Sir, that there is a large number of women from the west coast and presumably from Travancore also in some of the big cities in British India. I do not know whether it is true or not, personally. But I have heard such a thing exists. But I am not sure whether there are any cases of minor girls or women being taken away against their will for this purpose. That, I think, is what is sought to be prevented by this Bill, that is to say taking away of minor girls or grown up women against their will, if as a matter of fact there is a large number of girls and women from Travancore who have gone to Madura and other places for the purpose of prostitution it is likely that some of them are taken away against their will, under compulsion or by cheating and other means and it may be well to have a law. Here also we are in the region of surmise. Mr. Krishna Aiyangar, I know, may be right when he says that such cases do not exist or Mr. Krishna Pillai may be right when he says that since there is trafficking in women to some extent a law may be beneficial to prevent that. So far as I am concerned I cannot make an assertion one way or the other. I have been told that there are women from Travancore also who are engaged in prostitution in some parts of British Indian taluks. Beyond that we have no definite information and the Law Member would have done well if he was in a position to inform the House of the actual state of things in regard to it. So I am also inclined to think that the Law Member will consider the matter in all its aspects and see that a Bill be properly framed just to meet the requirements of the situation and is published or the Bill may be referred to a select committee with clear understanding that only some parts of it as relate to trafficking in young women be considered by it.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : Does the member know that the trafficking in women to places outside Travancore is not the only matter that is sought to be dealt with by this Bill? Inter-territorial or inter-taluq trafficking is also sought to be prevented.

MR. A. THANU PILLAI (*Trivandrum*) :

"Whoever, by any means whatsoever, induces any girl under the age of eighteen years to go from any place or to do any act with intent that such girl may be ——"

MR. S. KRISHNA PILLAI (*Karunagapalli*) : Is it necessary or advisable to have a law to prevent procuration of girls even in Travancore for the use of people who are living in Travancore ? And does the member think that legislation on such a line is necessary so far as Travancore is concerned ?

MR. A. THANU PILLAI (*Trivandrum*) : I do not see any serious objection to having a provision like that, if there is any local trafficking. I do not understand the question of the member.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : I heard the member say that there are as many brothels in Travancore as would make it desirable to have a law on the subject. I also heard the member say

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that some sort of exportation of Travancore females is also being done and that some legislation may or may not be desirable. Now I am asking the member whether legislation on the other point is necessary and whether it is more rampant than the other?

MR. A. THANU PILLAI (*Trivandrum*): I must confess that my experience in these matters is limited. I have not much information.

MR. S. KRISHNA PILLAI (*Karunagapalli*): One thing I would like to make clear. Brothel here is defined as follows:—

"Brothel means any house, room or place which the occupier or person in charge thereof habitually allows to be used by any other person for the purpose of prostitution."

Even though there are no brothels, there may be cases where girls are taken from one place to another or women may be taken against their will. That is conceivable even in the absence of brothels for the purpose of prostitution.

MR. A. THANU PILLAI (*Trivandrum*): For such cases there is no reason to have legislation providing them.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Does the member object to preventing a girl being taken who is willing to go?

MR. A. THANU PILLAI (*Trivandrum*): This Bill does not legislate for such girls.

MR. S. KRISHNA PILLAI (*Karunagapalli*): It does.

MR. A. THANU PILLAI (*Trivandrum*): If a minor is willing to go she is considered by law to act in the same way as adults.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Does the member know that for marital purposes Travancore girls have got greater freedom than girls in other places?

MR. A. THANU PILLAI (*Trivandrum*): In what respect?

MR. S. KRISHNA PILLAI (*Karunagapalli*): Freedom to choose their husbands even though they have not attained the age of 18 years.

MR. A. THANU PILLAI (*Trivandrum*): I do not see how that position can be maintained. Can the Travancore girl choose her own husband?

MR. S. KRISHNA PILLAI (*Karunagapalli*): Yes.

MR. A. THANU PILLAI (*Trivandrum*): Whatever that be, Sir, those matters do not arise for consideration. There is very great difficulty in regard to that. With these words I resume my seat.

PRESIDENT: The Council will now rise to meet again at 2. 45 P. M.

The Council adjourned for lunch at 2 P. M. and reassembled at 2·45 P. M.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, from the debate that took place this morning I understand that there is some difference of opinion in regard to some provisions of the Bill. The motion that I will presently make, if the House is agreeable, is that the Bill be referred to a Select Committee—

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RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): Suppose the House agrees to the Bill being read in Council. Is the Government agreeable to give the Select Committee absolute powers to delete the portions relating to brothels?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Government are quite agreeable to that. In support of it I may also say that the Statement of Objects and Reasons is worded generally so that the Select Committee will have absolute powers even to delete any portion of the Bill.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): Supposing the Select Committee rejects the portion relating to brothels. Can I have an assurance that the Government will not restore the provision by bringing forward an amendment if the Select Committee deletes it from the Bill?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Should not the House also agree to it?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Government will not move any amendment. That does not mean that any non-official member is precluded from moving any amendment. I only say that Government will not move amendments.

I hope therefore that with this assurance the Council will allow the principle of the Bill being accepted in that sense.

The principle of the Bill was accepted by the House and the Secretary read the title of the Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I move that the Bill be referred to a Select Committee consisting of;

(1) Mrs. Anna Chandi
(2) Mr. S. Krishna Pillai
(3) ,, M. Govindan
(4) ,, P. S. Mahomed
(5) ,, K. Krishnan Nayar
(6) ,, L. A. Bishop and
(7) myself.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): I second the motion.

The motion was carried.

PRESIDENT: Mr. Kayalam Paramesvaran Pillai will be the Chairman of the Committee and the Committee will submit its report in four months.

THE TRAVANCORE INSOLVENCY BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I rise to introduce a Bill to amend the Travancore Insolvency Regulation which has been published in the Gazette with a Statement of Objects and Reasons. I now beg to move that the Bill be read in Council.

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